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Attorneys for Plaintiffs and Counterclaim
Defendants Philips Lighting North America
Corporation; and Philips Lighting Holding B.V.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

PHILIPS LIGHTING NORTH
AMERICA CORPORATION and
PHILIPS LIGHTING HOLDING B.V.

Plaintiffs and
Counterclaim-
Defendants,

v.

DECO ENTERPRISES, INC. (d/b/a
DECO LIGHTING),

Defendant and
Counterclaim-
Plaintiff.

CASE NO. 2:17-cv-04995-R-AGR

Action Filed: April 12, 2017

Judge Hon. Manuel L. Real

Magistrate Hon. Alicia G. Rosenberg

**PLAINTIFFS' ANSWER TO
DEFENDANT'S AMENDED
COUNTERCLAIMS**

JURY TRIAL DEMANDED

1 Plaintiffs Philips Lighting North America Corporation and Philips Lighting
2 Holding B.V. (collectively, “Philips Lighting”), by and through its undersigned
3 counsel, responds to and answers the counterclaims of Defendant Deco Enterprises,
4 Inc. (d/b/a Deco Lighting) (“Defendant” or “Deco”) for declaratory judgment of
5 alleged patent invalidity as set forth in Deco’s Amended Answer to Amended
6 Complaint and Amended Counterclaims (Dkt. 37) as follows:

7 **PARTIES**

8 1. Admitted.

9 2. Philips Lighting North America Corporation admits that it is a
10 corporation organized and existing under the laws of Delaware and has a place of
11 business at 3 Burlington Woods Drive, Burlington, Massachusetts 01803. All
12 remaining allegations of paragraph 2 are denied.

13 3. Admitted.

14 **JURISDICTION AND VENUE**

15 4. Admitted.

16 5. Philips Lighting admits that this Court has personal jurisdiction over
17 Philips Lighting for this particular action. All remaining allegations of paragraph 5
18 are denied.

19 6. Philips Lighting admits that venue is proper in this Court for this
20 particular action. All remaining allegations of paragraph 6 are denied.

21 **COUNT I**

22 **(Declaration of Alleged Invalidity of ’014 Patent)**

23 7. Philips Lighting incorporates by reference as if fully set forth herein all
24 admissions, denials, and other statements contained within its answers to paragraphs
25 1-6 of the Amended Counterclaims, above.

26 8. Philips Lighting admits that an actual justiciable controversy exists
27 between Deco and Philips Lighting regarding the validity of Claim 1 of U.S. Patent
28 6,094,014, but denies that Deco states any valid basis thereunder.

1 9. Philips Lighting North America Corporation admits that it is the
2 assignee and owner of all right, title, and interest in the '014 Patent and that the
3 '014 Patent was validly and legally issued by the United States Patent and
4 Trademark Office.

5 10. Denied.

6 11. Denied.

7 12. Denied.

8 13. Denied.

9 14. Denied.

10 15. Denied.

11 16. Denied.

COUNT II

(Declaration of Alleged Invalidity of '890 Patent)

14 17. Philips Lighting incorporates by reference as if fully set forth herein all
15 admissions, denials, and other statements contained within its answers to paragraphs
16 1-16 of the Amended Counterclaims, above.

17 18. Philips Lighting admits that an actual justiciable controversy exists
18 between Deco and Philips Lighting regarding the validity of Claims 7 and 31 of U.S.
19 Patent 6,586,890, but denies that Deco states any valid basis thereunder.

20 19. Philips Lighting Holding B.V. admits that it is the assignee and owner
21 of all right, title, and interest in the '890 Patent and that the '890 Patent was validly
22 and legally issued by the United States Patent and Trademark Office.

23 20. Denied.

24 21. Denied.

25 22. Denied.

26 23. Denied.

27 24. Denied.

28 25. Denied.

COUNT III

(Declaration of Alleged Invalidity of '559 Patent)

26. Philips Lighting incorporates by reference as if fully set forth herein all admissions, denials, and other statements contained within its answers to paragraphs 1-25 of the Amended Counterclaims, above.

27. Philips Lighting admits that an actual justiciable controversy exists between Deco and Philips Lighting regarding the validity of Claims 6, 10, and 11 of U.S. Patent 7,262,559, but denies that Deco states any valid basis thereunder.

28. Philips Lighting Holding B.V. admits that it is the assignee and owner of all right, title, and interest in the '559 Patent and that the '559 Patent was validly and legally issued by the United States Patent and Trademark Office.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

COUNT IV

(Declaration of Alleged Invalidity of '399 Patent)

37. Philips Lighting incorporates by reference as if fully set forth herein all admissions, denials, and other statements contained within its answers to paragraphs 1-36 of the Amended Counterclaims, above.

38. Philips Lighting admits that an actual justiciable controversy exists between Deco and Philips Lighting regarding the validity of Claims 7 and 17 of U.S. Patent 7,038,399, but denies that Deco states any valid basis thereunder.

39. Philips Lighting North America Corporation admits that it is the assignee and owner of all right, title, and interest in the '399 Patent and that the '399 Patent was validly and legally issued by the United States Patent and Trademark Office.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

COUNT V

(Declaration of Alleged Invalidity of '328 Patent)

47. Philips Lighting incorporates by reference as if fully set forth herein all admissions, denials, and other statements contained within its answers to paragraphs 1-46 of the Amended Counterclaims, above.

48. Philips Lighting admits that an actual justiciable controversy exists between Deco and Philips Lighting regarding the validity of Claim 1 of U.S. Patent 8,070,328, but denies that Deco states any valid basis thereunder.

49. Philips Lighting Holding B.V. admits that it is the assignee and owner of all right, title, and interest in the '328 Patent and that the '328 Patent was validly and legally issued by the United States Patent and Trademark Office.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

Defendant's Prayer For Relief

These paragraphs set forth the statement of relief requested by Defendant to which no response is required. Philips Lighting denies that Defendant is entitled to any of the requested relief and denies any allegations in the Prayer for Relief to which a response is required.

ADDITIONAL RESPONSES TO AMENDED COUNTERCLAIMS

First Additional Response

The Amended Counterclaims fail to state any cause of action upon which relief may be granted against Philips Lighting.

Second Additional Response

The Amended Counterclaims are devoid of merit due to the presumption, pursuant to the Patent Laws, of the validity of Philips Lighting's Patents-in-Suit.

PLAINTIFFS' PRAYER FOR RELIEF

TO DEFENDANT'S AMENDED COUNTERCLAIMS

WHEREFORE, Plaintiffs Philips Lighting North America Corporation and Philips Lighting Holding B.V. pray for the following relief with respect to Defendant's Amended Counterclaims:

1. Dismissal of Defendant's Amended Counterclaims, with prejudice.
2. An award to Plaintiffs of their costs and attorney fees incurred in defending against Defendant's Amended Counterclaims.
3. Such other relief as the Court may deem appropriate.

1 DATED: September 12, 2017

Respectfully Submitted,

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3 JEREMY P. OCZEK
4 GEORGE R. MCGUIRE
5 JONATHAN L. GRAY

6 By: /s/ Jeremy P. Occek
JEREMY P. OCZEK

7
8 SCHEPER KIM & HARRIS LLP
9 GREGORY A. ELLIS

10 *ATTORNEYS FOR PLAINTIFFS*
11 *Philips Lighting North America Corporation*
12 *and Philips Lighting Holding B.V.*
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